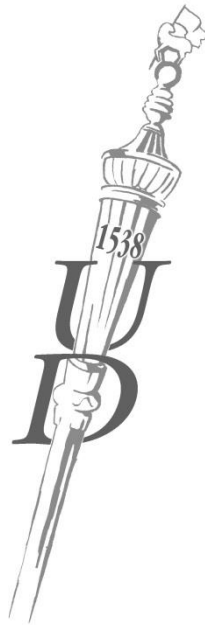


University Doctoral (PhD) Dissertation Abstract

The International Legal and Political Aspects of Macedonia's Conflicts

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1. Background and objectives of the dissertation

The Balkan is known as the powder keg of Europe.¹ The quotation which dates back to the turn of the 19th century has not lost a bit from its reality content in the 21st century. The cultural, demographic and political fragmentation of the region poses serious challenges not only for the domestic political actors of the Balkan countries but also for the international actors as well. The international relations of the Balkan countries are driven not only by the rationality but also by the national pride, the cultural traditions, and the strong political pressure generated by the public towards the decision-makers. The international actors managed to handle the Balkan conflicts with only little success in the near past however these external corrections were only able to secure peace for a short period of time. For a long time the preservation of the status quo proved to be more important than the permanent conflict resolution and prevention. Until the end of the 20th century the diplomatic, political and legal instruments of the high powers served the goal to manage the conflicts and fault lines on the basis of past regional experience. However the Balkan countries' nationalism and the unique local conditions posed an unexpected situation for the international actors – it became clear that it is not possible to manage remotely the local, internal or regional conflicts according to previous patterns.

The objectives of my research were to introduce and study from a legal and diplomatic point of view those conflict systems which determined and still determine the development of Macedonia as an independent sovereign state. So far the study of the Macedonian conflicts from legal and diplomatic point of view remained uncharted ground in the Hungarian scientific literature and there was still room for innovative ideas in the international scientific sphere. The Macedonian issues appeared only peripherally, as part of a broader examination in the Hungarian literature, thus leaving space for the establishment of a comprehensive, explanatory and exploratory scientific thesis. The goal of the dissertation is to supplement this segment of the Hungarian and international literature via the local application of the general international legal, political and diplomatic theses.

The subject of my research was those national and international conflicts of Macedonia which altered and affected the development of the statehood, with an emphasis to the

¹ The famous quotation is attributed by many to German chancellor Otto van Bismarck, who has used this idea in similar terms, but with different terminology at the Berlin Congress of 1878.

infamous Macedonian-Greek name dispute, which's complexity transform it into a regional legal, diplomatic and political conflict system. The subject of the research covers the issues of the Macedonian national identity, the Macedonian language and the status of the Macedonian minority presented through the Macedonian-Bulgarian relation, and the discords resulted by the attempts to expand the collective rights of the Albanian minority in Macedonia. Beyond the three examined conflict systems Macedonia's other problematic relations, such as the unsettled church affairs with Serbia, or the long outstanding former border conflict with Kosovo, could have been presented as well, however in contrast with the Bulgarian, Greek, and Albanian relations those disputes did not affect Macedonia's territorial integrity or constitutional system.

The actuality of the topic is undoubted, from the perspective of Europe and Hungary the Euro-Atlantic integration of the Western Balkans is one of the open questions of high importance. Although Macedonia is granted the right to start the accession negotiations with the EU, but due to its frosty relationship with Greece and Bulgaria Skopje is unable to join neither the EU nor the NATO. Parallel with the failure to accelerate the Euro-Atlantic integration, as a result of the tense relations between the Albanian minority in Macedonia and the political representatives of the majority society, armed attacks in the country have multiplied, a permanent internal political crisis have formed and often violent mass demonstrations have taken place.

The interdisciplinary nature of the research and the non-purely legal nature of the conflicts and disputes required a separate and combined analysis and comparisons via several disciplines throughout the study of the conflict systems.

According to my hypothesis the reason for the prolongation of Macedonia's national and international conflicts is that the international law was not able to manage and resolve efficiently non-purely legal disputes such as the Macedonian conflicts. Ever since, the decision-makers seek and rely on extraordinary balance during the conflict resolution of these unique discords. The legal and diplomatic means of conflict resolution were not separated significantly from each other and the nature of the disagreements is wide-ranging, thus it is of high importance during the conflict resolution to take into account and respect the limits provided by the legislative system, as well as those non-rational factors appearing through the diplomacy, such as the national, political and cultural interests and values.

Besides the abovementioned, according to my hypothesis without the acceleration of the Euro-Atlantic integration the monolithic Macedonian decision-making structure and state apparatus of 1991, which was transformed after 2001 into today's more heterogeneous form,

can't be preserved, and additional significant claims and reforms are expected targeting the transformation of the current Macedonian statehood.

2. Structure of the dissertation

After the introductory chapter the structure of the dissertation is divided into three main chapters according to the examined conflict systems. The Greek-Macedonian relations, the Bulgarian-Macedonian affairs, and the legal and diplomatic aspects of the Macedonian-Albanian internal symbiosis are all introduced in separate chapters. Thematically the introduced relations correlate with each other, they all bear with great importance in mapping the future of the Macedonian statehood. Each chapter is divided into subchapters – respectively the Macedonian-Greek into five, the Macedonian-Bulgarian into six, and Macedonian-Albanian into three, the subchapters are divided additionally into smaller structural elements. The three general chapters structurally follow the chronological events, as to the conflicts the examined spectre of time include the time prior to the formation up to the finalization of the dissertation and even giving a glimpse into the possible future outcomes. The three examined relations should not be coequally interpreted due to the fact that their structure, content and testing characteristics notably differ from each other. The Greek and Bulgarian affairs affect international relations however the Greek is much more dominant, as the international legal sphere appear there more pronouncedly than in the Bulgarian relation.

The multidisciplinary nature of the research topic requires bright, sleek and comprehensible topic structure, although the legal disciplinary requirements demand the shaping of a thematic and objective structure as well. In order to synchronise and fulfil all the requirements certain thematic, issue-orientated subchapters are built in the chronological structure of the dissertation, these issue-orientated subchapters will discuss certain questions only from an international legal point of view. The relations based structure is required by the multidisciplinary approach of the conflict systems, the peculiarity of the relations development, and the numerous interconnections between the examined legal disputes and non-legal conflicts. The structure based on alternative legal topics and issues is optional and recommended in studying purely legal conflict systems, however in the current situation the lucidity of the context and the coherence of the dissertation greatly depends on the nature of the diplomatic and political aspects of the legal disputes and conflicts. To understand the post-2001 Macedonian statehood and regulatory environment created by the Ohrid Framework Agreement is only possible through the explanation and presentation of the social-political, legal and economic circumstances which predeceased the Framework Agreement itself. This

applies as well to the 2011 decision of the International Court of Justice to the case of the application of the Interim Accord of 1995 between Greece and Macedonia – the introduction of the decision and the examination of the aftermaths is only feasible after the thorough presentation of the Interim Accord and the shifts in the Greek-Macedonian diplomatic relations.

During the research of the topic I inevitably faced the challenge that every actors should be examined from a various subjective viewpoint, furthermore even Macedonia as a state do not represent the same subjective authority in the certain conflicts. While in the Greek and Bulgarian chapters a system of relations is interpreted based on the scale of diplomacy and international law, in the meantime in the Albanian chapter the system of relations is based mostly on internal Macedonian law and the actors behaviour is characterised by internal political considerations. The need for drawing of parallels between the examined topics is explained by their overall and combined impact on the present and future of Macedonia's state development. In the dissertation I have come to the conclusion that the bases of the Macedonian integrity have not solidified yet, the examined conflicts significantly induce and influence the decision-makers to make compromises. The signing of the Interim Accord and Ohrid Framework Agreement, the ongoing diplomatic negotiations with Greece and Bulgaria, and the intercession of the European Union in easing the internal political tensions all prove the plasticity of the Macedonian statehood.

I have examined the factors which led to the formation of the conflict system in the *first subchapter* of the Macedonian-Greek chapter and have concluded that behind the so called name dispute lays a social and political opposition involving national sentiments and identity with long historic roots, which emerged after the dissolution of Yugoslavia and gradually transformed during the period of the independence processes in the 1990s.

In the *second subchapter* I have examined the development of the Macedonian statehood in the first half of the 1990s, the period before the Interim Accord, and sought an answer to the question how did the Greek diplomatic, legal and economic provisions shaped the plastic Macedonian state. In my conclusion in this subchapter I have found that despite the hard-line diplomacy and the economic sanctions Greece had to change its extremely inflexible standpoint regarding the recognition of the Macedonian state, and even more Athens did not managed to adopt its security concerns with the broader international community. I have examined the impact of the Greek diplomatic pressure on the amendments of the Macedonian constitution, as well as the effect of the amendments on the Greek sense of danger regarding its territorial sovereignty. I have thoroughly presented those pre-2001 provisions of the

Macedonian constitution highlighting the national identity, which proved to be a challenge for Greece and Bulgaria, and which amendment was essential for the post-1995 settlement. In the subchapter I have presented the relation between Macedonia and the Macedonian minority in Greece, which Athens do not recognise till this very day, and in the frames of the international law sought an answer to the question whether a state can uphold relations with its own national minority without the consent of the home state. In the light of the relevant international legal regulations I have concluded that with respect to the principles of international law, especially the respect of the territorial sovereignty of other states the mother state have the right to contact the members of its national minority and this principle applies to the national minority as well.

In the frames of the chapter I have examined the relevancy of the advisory opinions of the Badinter Commission regarding the international recognition of Macedonia and concluded that even though the opinions of the Commission weren't binding, they provided an important reference point for the members of the European Community in order to assess whether they will recognise Macedonia as an independent sovereign state or not. The Badinter Commission in its advisory opinion on Macedonia reaffirmed the Macedonian position that the Balkan country don't have any territorial claims towards other countries (but mainly towards Greece), consequently the 'Macedonia' name poses no threat for a single other state. I have concluded that the Badinter-opinion was an important milestone for Macedonia's international recognition, due to the fact that this was the first independent expert opinion which underlined and confirmed the importance of the Macedonian recognition through legal and political arguments.

I have thoroughly followed the early diplomatic negotiations regarding the compromise state name and have concluded that the finalized interim name – *the Former Yugoslav Republic of Macedonia* – was met with serious social and internal political opposition in Greece and in Macedonia as well, however it opened the way for the drafting of the Interim Accord of 1995. In this phase of the research I have examined the question whether the non-recognition of the constitutional name is an appropriate basis for the refusal of the admission to the United Nations. I have concluded that although from a legal point of view Macedonia have fulfilled the requirements for the UN-accession, the diplomatic discords regarding the constitutional name can be interpreted as a threat for the territorial sovereignty, which led to a compromise solution. I have examined the Greek economic embargo against Macedonia, and have presented the 1994 decision of the European Court of Justice in the case between the European Commission and Greece aiming the suspension of the Greek sanctions.

It was important to examine the relevancy of the state name recognition in the interstate relations and in the concept of international legal personality. Through the case of Macedonia I have presented the role and importance of state recognition in the international legal relations, and have outlined the international practises of state name recognition in order to study whether there is a parallel and connection between the state recognition and the state name recognition in light of the effects shaping the international legal personality.

Inherently from the name dispute in the *second subchapter* I have examined the relations between the states right to choose their name and the principles of international law. Furthermore I have revised those barriers stemming from the state sovereignty which may alter the free choice of name. In my conclusions I've found that the right for free choice of name and name change is solely falling in the frames of the domestic jurisdiction due to its international customary law roots. It is Macedonia's sovereign right to determine its constitutional name without the interference of other states and to use it in its international relations.

The topic of the *third subchapter* is the Interim Accord of 1995 between Greece and Macedonia which is the cornerstone of the bilateral relations of the two countries and proved to be a de facto final agreement due to the protracted ongoing diplomatic negotiations. I have sought an answer for the question why the decision-makers didn't reach a deal on the so called 'big package' agreement which should have contained the consensual state name and would have replaced the interim UN-name. I have come to the conclusion that the Interim Accord regulates a vast proportion of the bilateral legal relations of the two countries, however the decision-makers assessed the social risks which would have occurred if a solution was brought up for the name dispute or the situation of the Macedonian minority in Greece settled, and agreed that a series of future negotiations would gradually find solutions to these delicate issues. In this part of the dissertation I have pointed out the weaknesses of the Interim Accord, as well as the mistakes and omissions made by the decision-makers which ultimately led to the legal dispute in front of the ICJ.

In the *fourth subchapter* I have presented the adopted post-1995 foreign policy strategies of Macedonia and Greece which led to the current inflexible principles of arrangement and conflict-resolution. I have concluded that the radical changes in the international world order (such as the 9/11 attacks, the Kosovo crises, or the 2001 civil war like situation in Macedonia) significantly influenced the cooperation between Greece and Macedonia, and albeit the fact that the sides did not managed to make a progress in the name dispute until 2006, the security cooperation proved to be vital for the conservation of the Macedonian territorial sovereignty.

It was important to examine in this subchapter those judicial cases of the Macedonian minority in Greece (e.g. *Sidiropoulos and Others v. Greece* and the *Orania Toxo and Others v. Greece*) in which the European Court of Human Rights condemned the Greek authorities for their unauthorized behaviour towards the members of the minority. I have assessed that these decisions bore with high importance, as they strengthen the principle of the narrow margin of appreciation by the state authorities regarding the limitation of freedom of speech and the right of association, as well as clarifying the political and cultural rights of minorities.

In the *fifth subchapter* I have presented the legal dispute between Greece and Macedonia in front of the International court of Justice and sought an answer to the question why Macedonia did brought the issues of the NATO-application rejection to legal grounds. In this subchapter I have concluded that the ICJ made a really careful and cautious decision in which indirectly condemns both sides for the non-purely legal nature of the Interim Accord, and partly that none of the sides met their obligations to conduct in negotiations in order to seek for a solution. I have also presented the aftermaths of the decision on the settlement of the name dispute, and evaluated why should the sides refrain from a future judicial conflict resolution in this matter and should stick to the outlined obligatory negotiations.

In the *second chapter* of the dissertation I have presented the post-totalitarian relations of Macedonia and Bulgaria. In the *first subchapter* I briefly expound the historic relations of the countries and conclude that the historic and cultural similarities of both countries laid down the bedrock of the future discords which arise from the different national identity. In the *second subchapter* I have examined the two main subjects of the conflict system – the distinction of the Macedonian language from a legal point of view and the recognition of the independent Macedonian identity. Regarding the language dispute I have presented the Memorandum of understanding between Bulgaria and Macedonia regarding the settlement of the language discord of 1999 and found that the sides bridged the issue with a remarkable diplomatic and legal solution which allowed them to maintain their hard-liner approach to the question. Similarly to the right of free choice of state name the right to choose national identity is a discretionary and inalienable right of each and every state however it may not jeopardise the territorial sovereignty of other states.

In the *third subchapter* I have presented the legal disputes of the Bulgarian and Macedonian ethnic parties with the state authorities expounding the domestic legal regulatory systems and the decisions of the European Court of Human Rights. During the study I have concluded in Bulgaria and Macedonia as well the state authorities sought to limit the political activities of the ethnic parties and their right of association, albeit the fact that their domestic

political weight was merely marginal. I have presented the cases in front of the European Court of Human Rights of the political parties (e.g. Stankov and the United Macedonian Organisation Ilinden v. Bulgaria) and assessed that similarly to the Greek-Macedonian cases the Court condemned the state authorities for their restrictive misbehaviour, thus strengthening the political rights of the minority parties.

In the *fourth subchapter* I have expound the background and the impacts of the naturalization conflict between Macedonia and Bulgaria presenting the regulatory environment of both countries regarding the citizenship and the naturalization process. In my analysis of the deficiencies of the Bulgarian naturalization system which may lead to illegal misuses, I point out that the regulatory system provides an opportunity for Macedonian citizens to obtain Bulgarian citizenship and thus holding a European citizenship even though the provisions and requirements aren't met.

In the *fifth subchapter* I explain the importance of the Agreement on good neighbourly relations between Macedonia and Bulgaria which is still only being planned and furthermore evaluate the legislative bases of the post-1998 Macedonian-Bulgarian cooperation. I have foreshadowed the positive effects which may arise by the aforementioned agreement for the acceleration of the Euro-Atlantic integration of Macedonia. In the *sixth subchapter* I vivify the impacts of the Bulgarian foreign policy on the future of the Macedonian statehood and conclude that beside the Greek veto the unsettled Bulgarian relations have an important role in why Macedonia could not start the accession negotiations with the EU.

In the *third major chapter* of the dissertation I present the unsettled status of the Albanian minority in Macedonia, and the legal disputes and conflicts between the Albanian minority and the Macedonian majority state leadership. In the *first subchapter* I have examined the relationship of the Albanian minority with the monolithic legislative environment of Macedonia of the 1990s, and searching for the antecedents which led to the civil war like situation in 2001 and the Ohrid Framework Agreement. In this subchapter I have assessed that the Macedonian authorities actively took actions against those aspirations of the Albanian minority in the first half of the 1990s which endangered or questioned the state sovereignty (e.g. demand for autonomy), however in some cases they permitted the prevailing of Albanian minority rights (e.g. de facto legalization of Albanian language university). In the subchapter I have introduced the conflict which arouse from the use of the Albanian flag and the *Rufi and Others v. Macedonia* case in front of the European Court of Human Rights. In the case the Court contrary to the cases examined previously brought up a judgement in favour of the state

authorities, and reinforced the right to margin of appreciation from the state authorities in order preserve the order.

In the *second subchapter* I have presented the direct foretokens and achievements of the Ohrid Framework Agreement, as well as its effects to the Macedonian constitutional system. I have found that international settlement of the 2001 civil war like situation significantly affected the Macedonian constitutional system, avoiding the consequences of neighbouring Kosovo the Macedonian decision-makers managed to peacefully transform the monolithic constitutional bases of the 1990s and to lay down the new heterogenic interethnic system of today. The topic presented the noteworthy achievements of the Ohrid Framework Agreement especially the Batinter-majority based voting method, the 20 percent minority threshold in the municipalities, the national quotas in certain state institutions, and the newly established monitoring and implementation mechanisms. Expounding the constitution amendments following the Ohrid Framework Agreement I searched an answer for the question how can the Agreement be implemented more successfully in the practise. I found that nowadays the social majority backing needed for the full implementation is absent, and as a result of this there is neither political interest nor motivation, especially that before 2016 even the Albanian parties did not push for the change of the current *status quo*.

In the *third subchapter* I have presented the post-2001 Albanian-Macedonian relations in the light of the Agreement based legislative amendments, the domestic political crises arisen after 2008, and the Euro-Atlantic integration deadlock. It was found that the Albanian claims aiming the expansion of their rights in the near future will raise the issue of the full implementation of the Ohrid Framework Agreement, or the possibility of a new even broader Agreement.

3. Methodology of the research

Due to its interdisciplinary nature my research topic required a legal, diplomatic and political approach. In order to start the research and to explore the precursors of the research I felt necessary to observe the national identities of the region, the national languages, and the historic roots, and only after this to trace down the legal sources taken in the conflicts. Due to the complexity of the topic, its historic background and the differences in the national identity policies I felt necessary to build on a historic retrospection in the first part of the dissertation. The most important part of the literature I used was Macedonia's international acts and its domestic legal sources. In my dissertation I endeavoured to dissociate the legal and political

aspects of the conflicts, and to examine them separately. In order to understand the conflicts it's insufficient only to build upon the rational facts and results, it's of high importance to explore the personal experiences and the sentiments of the region's population, therefore I have conducted consultations and interviews with experts and diplomats who are well informed with the undergoing processes.

The Hungarian sources linked to the central topic of the dissertation were scarcely available, thus I tried to process the Macedonian, English, Bulgarian and Greek sources which gave the backbone of the literature for the fundamental part of the research. However the Hungarian literature gave an efficient starting-point for the general legal interpretations and the application of the diplomatic principles. I compared some of the decisions or advisory opinions made by the international legal institutions with decisions found in similar cases and incorporated the findings in the aforementioned subchapters discussing international legal issues. I heavily relied on the Macedonian and Greek legislative system, on the relevant international legal sources, on the analyses of the best legal and political experts in the field, on the statistical data bases, on the diplomatic sources, and on the site interviews. I felt the need of diplomatic experience and knowledge capital during the completion of the dissertation, which I managed to gather from Hungarian, Bulgarian, Macedonian and Greek civil servants proficient in active diplomacy.

The unique nature of the conflicts the international law reached a major developmental milestone, especially the arsenal of the international legal conflict resolution significantly broadened, thus I felt it important to pair inductive and deductive research methods. Due to the multidisciplinary topic I paired the non-empiric research methods of the legal fields (e.g. legal analyses, comparisons, critical analyses of the law enforcement) with the practical methods of the diplomacy (e.g. interviews, fieldwork). The examination of the topic is clearly theory-oriented research which has a key objective to expand, classify, organize and unify the knowledge material. The critical analyses of the dissertation topic confronted me with a number of challenges, especially at the presentation of the road leading to the formation and maintenance of the conflicts and the conflict resolution activities, because it was very difficult to abstract from the subjective interpretations of the delicate political and diplomatic relations.

4. New scientific results of the dissertation

I. The analysis of the successes and failures of the Interim Accord in light of the development of the Macedonian-Greek conflict system

The Interim Accord between Greece and Macedonia of 1995 is regarded as a half success due to the fact that although the diplomatic efforts were incorporated in the international legal frames, the infamous ‘small package’ remained a permanent package due to the extremely ineffective exploitation of the legal instruments and the inability of the sides to reach a final agreement. The real success of the Interim Accord would have laid down the opportunity to apply the legal instruments given by the Accord not only to manage claim adjustment but also to enhance the implementation of confidence-building measures. The constructive dialogue after 1995 aiming to overcome the name dispute between Greece and Macedonia was not achieved mainly because of the lack of sufficiency in the mediation process led by international actors, and especially due to the blunt and unsynchronised common foreign policy of the European Union. One of the main defaults made during the charting process of the Interim Accord was that the decision-makers did not incorporate a guarantee mechanism which would have obliged the sides to maintain the negotiations. The decision-makers did not foresee that the sides won’t substantially comply with their obligations regarding the negotiations, thus it did not raise the question of sanctions or a concrete deadline for a settlement. During the charting process of the Interim Accord the main question was not on what legal bases can a state change the constitutional name of another state or to interfere with its right to free choice of name as it was in the 2011 decision of the ICJ but how can a satisfactory agreement for both sides be reached with the least loss of national sovereignty. The period between 1995 and 2001 was marked by policy aiming the prevention of losing reputation which was stressed out by the negotiating sides, instead of highlighting the possible common profit of reaching a consensus in the issue. The 2011 decision of the ICJ and its aftermaths highlighted the unique value of the infamous Macedonian-Greek name dispute which is a much more complex conflict system, for the international legal discipline. It also reflected on that a conflict having such a complex nature can’t be resolved merely by implementing legal instruments. The decision of the ICJ and its aftermaths confirmed my initial hypothesis that they *de facto* strengthen the perception that the Macedonian-Greek

conflict system can't be resolved only by diplomatic or legal means, but it needs a multidisciplinary settlement arsenal. The base of this arsenal must be comprised by the bilateral negotiations under the international auspice. It's a feasible way to apply step-by-step negotiations which concretize the goals to be reached from outside to inside – selecting the main goal of the negotiations, clarifying the form of use of the name, to outlining of the certain forms of use, formation of mechanisms for use and monitoring, concreting the forms of legal remedies. Parallel to the diplomatic negotiations the decision-makers under international auspice will create the legal frames of a more narrow and exact Agreement than the 1995 Interim Accord.

II. The effects of the 2011 decision of the International Court of Justice to the Macedonian-Greek conflict system

Greece enjoying the rights of its EU and NATO membership implied pressure within the frames of the international law on Macedonia in order to change its constitutional name and although the ICJ condemned Greece for breaching the provisions of the Interim accord it is not expected in the future that Macedonia will turn to the ICJ again with the same issue. Examining the aftermaths of the ICJ decision it is worthy to study the diplomatic considerations which might prevent Macedonia of reaching out for a legal resolution of the issue as well as their possible pros and cons for the Macedonian decision-makers as a continuation of the dissertation's current topic. A quite separable interdisciplinary fault line emerged during the study of the Macedonian-Greek name dispute – from a legal point of view the legality of the Greek vetoes is undoubted, however if we examine the case from the focal point of the diplomacy it can be noted that moral concern arise regarding the compliance with the norms. I have concluded that inasmuch the sides highlight the existence of the fault line and apply a purely mono-disciplinal instrument for compliance with the norms the fault line will deepen. It is hard to find in the light of the existing practises whether subordination exists between the diplomatic and legal approach of the Greek-Macedonian relations due to the fact that the sides created the legal framework of their relations via the diplomacy, however consciously leaving room for the diplomacy to prevent the legal dominancy in the settlement of the bilateral relations. I have found that the prudence and lack of efficiency of the ICJ's decision can be deduced by the fact that neither the Interim Accord nor the NATO application process ensures a clearly defined legal frame which will grant the opportunity for the Court to make a different decision.

III. The study of the importance of successful conflict-resolution in the light of the preservation of the Macedonian state sovereignty and the Euro-Atlantic integration

The negative consequences stemming from the legal disputes and conflicts visibly appeared after 2011 – the deadlock of the permanent domestic political crises and the European Union sharply criticized Macedonia's preparedness for the membership, emphasising on the non-compliance with the Copenhagen criteria, the tensions between the Macedonian communities, and the interconnecting party interests in the state apparatus. The settlement of the internal and external conflicts till this very day consumes great energies and capacities, thus the Macedonian state doesn't manage to develop in the tact and direction which were traced by the decision-makers previously.

I have concluded that the settlement of the Macedonian-Greek dispute would not fully guarantee the end of the negative effects on the state development however its prolongation is in an interaction with the other two challenges presented in the dissertation – the Bulgarian-Macedonian relations and the increasing Macedonian-Albanian ethnic tensions. The acceleration of the Euro-Atlantic integration and the successful application in the relevant international organizations would guarantee the current sovereignty of Macedonia however it will eventually lead to the transformation of the statehood and national identity laid down in 1991. The disagreements of the Macedonia-Bulgarian relations and the constitutional amendments after the Ohrid Framework Agreement were all results of the aforementioned internal conflict accordingly the legal and identity frames of 1991 in overall don't align with the regulatory and value system required by the European Union. The Agreement on good neighbourly relations between Macedonia and Bulgaria from a legal point of view would be a condition that mandatorily be fulfilled by both sides in order to improve the bilateral relations and to avert the obstacles in front of Macedonia's development posed by the Bulgarian criticism, however examining this issue the complexity of the disagreement occupies a central position. The issue of reputation loss arises again for the Macedonian decision-makers as they are confronted with the question how can an agreement be signed next to the factors jeopardising the state sovereignty which were presented in the dissertation (e.g. the non-recognition of the Macedonian national identity).

The understanding of the Bulgarian-Macedonian conflict system and the localization of the solutions leading to the potential settlement need a totally different approach compared with the Macedonian-Greek conflict system despite the fact that both of the conflict systems

question the cores and frames of the Macedonian statehood. From a legal point of view the settlement of the Macedonian-Bulgarian relations is less exact and clear than the Greek-Macedonian relations regulated by the Interim Accord due to the fact that it is significantly more difficult to implant the issue of the national identity into a legal regulatory framework than the constitutional name of the state. The two conflict systems show similarities to each other, as both Greece and Bulgaria claim that Macedonia is not prepared for the EU membership not only because of the ongoing conflicts with its neighbours but because it faces other omissions and non-compliances which are not related to neighbourly relations. The question of the hierarchy between the disciplines must be answered while examining the Macedonian-Bulgarian relation and contrary to the founding in the Greek-Macedonian relation the sides still have not created the constant legal frames via the diplomacy, in the future this will be established by the signing of the bilateral agreement on good neighbourly relations.

From procedural point of view the settlement of the Macedonian-Bulgarian relation would experience less difficulty than settling the name dispute with Greece. In order to settle the neighbourly relations with Bulgaria the Macedonian parliament only need a standard majority while to change the name of the state on the one hand it will need a qualified Badinet-majority and on the other hand probably a nationwide referendum to be held. Recently the Bulgarian-Macedonian relations are gradually improving however it is not even close to call that the sides are ready to conduct their cooperation on the highest levels. Even though the Macedonian-Bulgarian relations are much more orderly on primary and secondary level than the Macedonian-Greek relations they are currently defined by narrower legal frames. The difference between the foreign policy towards Macedonia of Greece and Bulgaria is that while Athens intends to enforce its position in an extremely consistent manner Sofia have not formed a gradual approach towards Macedonia in the past quarter of a century and tends to lean towards a more opportunistic and occasional strategic path. In the present diplomatic and legal circumstances the settlement of the Macedonian-Bulgarian good neighbourly relations is a realistic aim for the future, due to the fact that it is required by the regional economic development, and the quiet compromise with Bulgaria is also essential for the rational state development of Macedonia. Examining the Macedonian-Bulgarian relation from international legal point of view I may conclude that if the agreement on good neighbourly relations is signed in the future then a permanent halt similar to the Macedonian-Greek pause may occur and which may require institutionalized international legal remedy in order to resolve and restart. However until this occurs the sides will mostly rely on diplomatic instruments and

sources when dealing with sensitive issues such as the interpretation of their common history and the recognition of the independent Macedonian identity.

IV. The right to free choice of name and to form the national identity in the light of the Macedonian conflicts

In the dissertation I have concluded that the free choice of the state constitutional name as an inseparable part of the state system belongs to the internal side of the state sovereignty with its external element, examined by the Badinter Commission, that the sovereign decision or action won't jeopardise the territorial soundness and safety of another country. I have presented thoroughly the connection between the recognition of the state and the recognition of the state name, as well as the problematical effects of the name dispute on the international legal entity of a state. In my conclusion the limits interpreted by the opponents of the free choice of name may only prevail in the issue of name recognition limitedly and indirectly, and only with respect to the principle of state obligations fulfilled in good faith. According to the nowadays widely accepted declarative theory the state recognition is not a prerequisite of international legal entity, and it does not influence a state in its right to self-determination in order to freely choose its constitutional name. The limits regarding the state recognition only may influence the non-functionalization of good neighbourly relations between the two states on bilateral level.

Even though the international legal principles have not always prevailed also in the Macedonian-Bulgaria relations but contrary to the name dispute a constant and inflexible standpoint have not been represented by neither of the side. Furthermore the joint negotiations which more often lead to tangible results prove that the principle of interstate cooperation gain ground more predominantly in this relation. In their relations the sides ought to engage less in legal means in order to resolve their differences, which hardly would have been manageable as the legal dispute between Greece and Macedonia arising from the interpretation of the Interim Accord. Similar to the determination of the constitutional name the formation and determination of the national identity is an integral part of the right of nations to self-determination, the internal side of state sovereignty, and the principle of non-interference in domestic affairs, however contrary to Greece Bulgaria intended to settle the difference via silent diplomacy. While examining the questions of free determination of state name and national identity I have concluded that Macedonia has the inalienable right to form and shape its internal affairs without the interference of other states. However it would be

hard to explicitly dissociate whether the answers given to the differences constitute a political pressure, an incentive or a direct breach of the international legal principles. Examining the right of self-determination and the internal side of state sovereignty I have found that the forming of the national identity structurally takes place in front of reaching state independence and determining the states name since itself does not pose (or hypothetically poses less) threat to the sovereign integrity and unity of another state.

V. *The study of the achievements and the insufficiencies of the Ohrid Framework Agreement, and the effects of the attempted expansion of Albanian minority rights on the Macedonian statehood*

It is important to note that regarding the preservation and consolidation of state sovereignty similar to the settlement of its Greek and Bulgarian relations Macedonia faces a steep challenge to manage the domestic status of the Albanian minority. In my opinion the Macedonian decision-makers will face the sheer difficulty to find the balance which will guarantee the post Ohrid Framework Agreement constitutional structure, and will satisfy in the slightest extent the demands of the Albanian minority regarding the expansion of their rights.

The Ohrid Framework Agreement was seen in Macedonia as a clause of an externally forced peace process which have created a tension-free coexistence environment between Macedonians and Albanians, however significantly transformed the 1991 constitutional foundations of Macedonia. While examining the charting process of the Agreement I have concluded that the international forces, especially the diplomacy of the United States of America committed serious professional errors which eventually contributed to the current situation that the legal regulations adopted in the wake of the Agreement are still not fully implemented. In my view the Agreement was a consensus accepted as yielding under the pressure but instead Macedonia from the beginning declared with its actions that the state remains a *de facto* one-nation state even though that after the Ohrid Framework Agreement *de jure* transformed it into a decentralized and heterogenic state. In contrast with the Greek and Bulgarian relations I have concluded a completely different constellation between the diplomacy and the law during the examination of the Macedonian-Albanian relation. In the charting process of the Ohrid Framework Agreement the international significantly laid down its mark on the post-2001 legal system of Macedonia, in the period there were no signs for soft diplomatic pressure or aspirations for consensus. So far there is a total lack of bona fide

urge from Macedonia to further develop the current legal frames, the Ohrid Framework Agreement. In contrast with the Macedonian motivations during the charting process of the Interim Accord or the negotiations leading to the good neighbourly relations agreement with Bulgaria the Macedonian decision-makers were never interested in amending the state bases of 1991.

Compared to the regional circumstances the partial implementation of the Ohrid Framework Agreement regulations was so successful that it managed to maintain the post-2001 state structure and to guarantee the prevalence of both Macedonian and Albanian interests. Therefore the radical changes of 2001 today would pose a much greater threat for the Albanian parties in Macedonia than to find the opportunities in the current legal and political system.

In my opinion the endeavours to expand the Albanian minority rights will put an even greater pressure on the shoulders of the Macedonian majority decision-makers. This may result two possible outcomes namely the intensification of the pre-2001 homogeneous nationalistic politics or the implementation of new reforms similar to the regulations incorporated after the Ohrid Framework Agreement. It is doubtful that the Macedonian majority decision-makers see the preservation of the current statehood in the already failed nationalistic politics however the Greek and Bulgarian confrontations halted the European integration which may ultimately guarantee the settlement and the consolidation.

In my opinion Macedonia would be able only to preserve its current constitutional system if the protracted accession talks with European Union restart in the near future, however this will mostly depend on the outcome of the existing differences with Greece and especially on the infamous name dispute. The realistic perspective of the EU accession will have a positive impact on the Macedonian domestic politics as well as on the relationship with the Albanian minority. The failure to implement all the regulations imposed by the Ohrid Framework Agreement and the new Albanian demands (e.g. acceptance of the status of the Albanian language as an official state language) may produce extremist actions similar to the 2015 armed attacks in Kumanovo or the state-wide protest of 2014 and 2015. The European integration by itself won't guarantee the constitutional system of 1990 and the post-2001 relations with the Albanian minority however it would significantly decrease the risk of formation of uncontrolled and undemocratic processes.

My *hypothesis* based on search for balance is confirmed by the fact that Macedonia periodically ranks its conflicts in order to avoid the legal and diplomatic complications on several fronts. The development of the Macedonian state requires a more confrontational diplomacy being a state with a young, continuously evolving national identity, however on international level the simultaneous reaction to multiple conflict factors didn't proved to be successful.

I have concluded in my dissertation that today Macedonia's sovereignty still have not consolidated and as a result of the three outlined conflict systems its identity, constitutional and territorial integrity may significantly transform in the future. In order to understand these conflict systems we cannot prescind from the complex, interdisciplinary approach as it's insufficient to only know the Macedonian and international legal regulations to settle complex issues such as the name dispute. Macedonia's decision-makers made this mistake in 2008 when filing the lawsuit against Greece in the International Court of Justice and tried to bypass the actors of the bilateral and multilateral diplomacy. Thus it become clear in 2011 that the arsenal of the international law is limited if the actors intentionally leave loopholes in their bilateral legal documents in order to sidestep by diplomatic means the decision of a certain court given that it would entail negative consequences.



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List of publications related to the dissertation

Articles, studies (12)

- Milanov, V.:** Direct Democracy in Bulgaria.
Pázmány Law Working Papers. 1, 1-18, 2016. ISSN: 2062-9648.
- Milanov, V.:** A Bulgária és Macedónia közötti honosítási konfliktus háttere és kihatása a két ország viszonyára.
Jog, Állam, Politika 7 (2), 45-56, 2015. ISSN: 2060-4580.
Level of HAS Committee on Legal and Political Sciences: A
- Milanov, V.:** A Görögország és Macedónia közötti 1995-ös ideiglenes megállapodás eredményei és kudarcai.
Jog, Állam, Politika 6 (1), 109-125, 2014. ISSN: 2060-4580.
Level of HAS Committee on Legal and Political Sciences: A
- Milanov, V.:** A macedón identitás kialakulása és fejlődése a kezdetektől napjainkig.
In: A történelem határán : irodalom-, nemzetiség- és politikatörténeti tanulmányok. Szerk.: Zachar Péter Krisztián, Strausz Péter, Heraldika Kiadó, Budapest, 276-362, 2014. ISBN: 9789639204928
- Milanov, V.:** Macedonia's prospects of joining the European Union in the near future.
In: Prospects for the European Union : borderless Europe? : international conference 25-26 October 2013 : conference proceedings. Ed.: András Lőrincz, Institute for Cultural Relations Policy, Budapest, 170-180, 2014. ISBN: 9786155432019
- Milanov, V.:** Macedónia európai integrációjának perspektívái a 2013-as bizottsági jelentést követően.
Európai Tükör 1, 67-75, 2014. ISSN: 1416-6151.
Level of HAS Committee on Legal and Political Sciences: B
- Milanov, V.:** A bolgár belpolitikai rendszer átalakulása.
Magyar Külügyi Intézet Tanulmányok 18, 1-11, 2013. ISSN: 2060-5013.



8. **Milanov, V.:** A bulgáriai török kisebbség politikai és társadalmi helyzete.
Forum. Acta juridica et politica 3 (2), 131-150, 2013. ISSN: 2063-2525.
Level of HAS Committee on Legal and Political Sciences: A
9. **Milanov, V.:** A rendszerváltás utáni bolgár politikai rendszer.
In: *Történelem és politikai régen és ma.* Szerk.: Strausz Péter, Zachar Péter Krisztián,
Heraldika Kiadó, Budapest, 230-247, 2013. ISBN: 9789639204775
10. **Milanov, V.:** Bulgária: népszavazáson át a kormányválságig.
Magyar Külügyi Intézet Tanulmányok 8, 1-15, 2013. ISSN: 2060-5013.
11. **Milanov, V.:** The Bulgarian-Macedonian Conflict.
In: *The Balkans dialogue : conflict resolution and EU accession politics in the Balkan and
Turkey : Budapest, 8-9 February 2013 : conference proceedings.* Ed.: András Lőrincz,
Institute for Cultural Relations Policy, Budapest, 77-88, 2013. ISBN: 9789630872911
12. **Milanov, V.:** A magyar-bolgár kapcsolatokban rejlő lehetőségek.
Magyar Külügyi Intézet Tanulmányok 9, 1-20, 2012. ISSN: 2060-5013.





List of other publications

Articles, studies (3)

13. **Milanov, V.:** A macedón-görög konfliktus fejlődése az 1995-ös Ideiglenes Megállapodás tükrében.
In: Jogalkotás és jogalkalmazás a XXI. század Európájában. Szerk.: Zoványi Nikolett, Doktoranduszok Országos Szövetsége, Debrecen, 340-346, 2014. ISBN: 9786158004411
14. **Milanov, V.:** Macedónia alkotmányos államnévének rendezetlen kérdése.
In: Tavaszí Szél 2014 : konferenciakötet = Spring wind 2014. Szerk.: Csiszár Imre, Kőmíves Péter Miklós, Doktoranduszok Országos Szövetsége, Debrecen, 165-172, 2014. ISBN: 9789638956064
15. **Milanov, V.:** The issue Macedonia's name according to the interim accord between greece and the fyorm.
In: Doktoranduszok fóruma : Miskolc, 2013. november 7. : Állam- és Jogtudományi Kar szekciókiadványa. Szerk.: Stipta István, ME Tudományszervezési és Nk. Oszt., Miskolc, 195-199, 2013.

**By the directives of HAS Committee on Legal and Political Sciences:
Publications in periodicals level „A”: 3, related to the dissertation: 3.
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The Candidate's publication data submitted to the iDEa Tudóstér have been validated by DEENK on the basis of Web of Science, Scopus and Journal Citation Report (Impact Factor) databases.

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